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Internal Docket No. RCA 89,642

Remarks/Arguments

Claims 1-17 are pending.

Claims 1, 5, 10 and 11 have been amended herein to more clearly and distinctly claim the subject matter that applicants regard as their invention. Claims 12-17 have been added to more fully claim the subject matter that applicants believe they are entitled. No new matter is believed to be added by the present amendment.

Claim Rejections

Claims 1-9 stand finally rejected under 35 USC 103 as being unpatentable over the combination of Knowles (US 2003/0079227) in view of Kim (USP 6,519,412). Claims 10-11 stand finally rejected under 35 USC 103 as being unpatentable over the three reference combination of Knowles, Kim and Schaffner (USP 6,104,908). For at least the reasons discussed below, these rejections are respectfully traversed.

Response to Arguments

In response to Applicant's prior argument that the primary reference Knowles does not teach or suggest the limitations associated with first and second sources of programming, the Examiner argues on page 2 of the Final Office action that:

- (A) "First, "source" is a broad term and one interpretation is, for example, one headend transmits different programs from different sources (i.e. VCR, video-on-demand server, live source, different channels, etc...). *Another interpretation is that a satellite provider and a cable provider are different and independent sources.*"
- (B) "Second and more importantly, the cited reference (Knowles) discloses multiple MPEG streams as multiple sources of programming (paragraph 0069, lines 1-4 and paragraph 0073, lines 1-12)."
- (C) "Third, the Examiner cites paragraph 0069, lines 1-12, wherein Knowles explicitly discloses that the multiple MPEG streams transmitted from different sources are simultaneously delivered to

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households with each being modulated to different channels. Some of the channels may be just local channels...which receives terrestrially broadcast television signals, and the others may be extended channels modulated from satellite broadcast television signals originating from satellite providers (paragraph 0103, lines 1-6)."

Turning to the Examiner's first two items (A) and (B), and consistent with the Examiner's indication in Item (A), Claims 1 and 5 have been amended to clearly recite multiple programming providers. For example, amended Claim 1 recites:

1. (CURRENTLY AMENDED) Apparatus for integrating passwords for accessing programming from **multiple programming providers**, the apparatus comprising:
 - a memory for storing a first password associated with a **first programming provider**;
 - removable memory for storing a second password associated with a **second programming provider**;
 - temporary memory for temporarily storing said first password to allow access to programming from said **first programming provider**; and
 - means for replacing said first password in said temporary storage with said second password to enable said apparatus to allow access to programming from said **first and second programming providers**.
(emphasis added)

Independent method Claim 5 has been similarly amended, as have dependent Claims 10 and 11, which depend from Claims 1 and 5, respectively.

Consistent with Applicant's last response, the claimed invention is directed to an apparatus for providing conditional access to programming that is available from multiple programming providers, e.g., terrestrial and satellite broadcast sources. See, e.g., page 2, lines 6-7, and 11-12. Conventionally, systems for receiving terrestrial and satellite broadcasts each use their own passwords. See, e.g., page 1, lines 27-31. The present invention recognizes and addresses this shortcoming by enabling use of a single password to access programming from multiple providers (such as by activating both satellite and terrestrial components of an integrated television system). See, page 2, lines 8-15.

In contradistinction, the system of Knowles does not disclose or suggest passwords for accessing multiple programming providers -- as is recited in present

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Claim 1. Rather, as is explained in par. [0072], the Knowles program guides (IPGs) support a hierarchy of multiple user passwords. For example, in a household, parents may have the highest level of password (a master password), a teenager may have a second level password, and younger children may have lower levels of passwords. A user with a higher level password may override the changes made by users with lower level passwords and may set the priorities for other passwords based on other user names and/or user profiles.

However, nowhere does Knowles disclose or suggest use of a first password to access programming from a first programming source and use of a second password to access programming from a first and second programming sources as recited in present claim 1. That is, Knowles' passwords are not associated with first and second programming providers as recited by amended claim 1. The Knowles arrangement addresses an entirely different function from that of the present invention – at least by virtue that it fails to teach passwords being associated with multiple programming providers, and instead utilizes passwords for implementing parental control.

Thus, Knowles fails to teach, or suggest, “a memory for storing a first password associated with *a first programming provider*” [e.g., a terrestrial source of programming]; [and] “removable memory for storing a second password associated with *a second programming provider*” [e.g., a satellite source of programming], as recited by Claim 1.

The secondary reference Kim likewise fails to remedy these shortcomings of the primary reference. Kim teaches the use of a removable memory for changing parental restriction levels within a DVD player. In view of the foregoing, reconsideration and removal of this 35 USC 103 rejection with respect to independent Claim 1 is requested.

The above notwithstanding, with regard to Examiner's Third point (Item (C) above), Applicants respectfully submit that the Final Office action incorrectly characterizes the Knowles system. In supporting Item (C), the Final Office action relies upon paragraphs [0069], [0053] and [0103]. However, these paragraphs, when properly considered in view of the entire Knowles disclosure, fail to teach first and second passwords associated with first and second programming providers.

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First, paragraph [0069] of Knowles merely teaches that MPEG streams are delivered to multiple TV sets on different channels. Second, the Final Office action relies upon paragraphs [0053] and [0103] of Knowles for the proposition that local channels are received by a UHF receiver while extended channels are received from satellite broadcasters. Paragraph [0053] of Knowles is reproduced below and recites:

[0053] An IPG user interacts with the respective IPG by using **a remote control to send commands to the respective receiver in an IPG device**. In one embodiment, the receiver is an infrared or UHF receiver. An exemplary command is the GUIDE command. The Grid Guide displays program information in a grid format. To view the Grid Guide, an IPG user presses the GUIDE key on the remote control; the command is sent to the infrared or UHF receiver and then the IPG device passes a key to the IPG, which displays the Grid Guide.

Thus, it is clear that paragraph [0053] of Knowles relates to a remote control receiver that receives and processes remote control signals of an IPG and not a receiver that receives programming from a first and/or second programming provider. Applicant's review of Knowles has failed to uncover any other use of UHF.

Finally, a detailed review of paragraph [0103] reveals that this passage teaches that certain user entered information is not IPG, but set-top box dependent (that is, some information is the same for all program guides (IPGs)) – such as user zip code, services and subscriptions. This, however, does not teach or suggest first and second passwords associated with first and second programming providers. That is, neither Knowles, Kim, (or Schaffner for that matter) teaches or suggests first and second memories for storing passwords associated with *first and second programming providers*, respectively. Knowles is unconcerned with “provider controlled” access but instead is interested with enforcing parental control.

Moreover, the apparatus of *Knowles merely operates with a single provider of programming*. Knowles apparently stores passwords associated with different MPEG program streams, which program streams, however, emanate from a single programming provider. More particularly, although the Knowles reference terms

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the separate MPEG streams as “sources”, a detailed reading of Knowles makes clear that separate MPEG streams of digital television signaling cannot properly be equated to the claimed “programming providers”. Nowhere does Knowles teach reception or use of content from first and second programming providers (e.g., satellite and terrestrial source of programming), as recited by Claim 1. To the contrary, Knowles appears to teach that a single digital television programming provider feeds a set-top box, which provides access to the multiple MPEG streams thereof for televisions 17, 18, 19.

Further, Kim does nothing to remedy the deficiencies of Knowles in this regard and is merely relied upon in the Office action for its alleged teaching of a memory being removable.

Thus, Applicants respectfully submit that the suggested combination of Knowles and Kim fails to teach or suggest each and every limitations of Claim 1, and hence, as a matter of law, fail to render the same unpatentably obvious. In view of the foregoing, reconsideration and removal of the rejection of Claim 1 is respectfully requested. Applicants also request reconsideration and removal of the rejections of Claims 2-4 and 10 as well, at least by virtue of these claims’ ultimate dependency upon a patentably distinct base Claim 1.

In similar fashion, independent method Claim 5 recites:

5. A method for accessing programming from **first and second programming providers** in an integrated television system, the method comprising:
determining whether an access card is coupled to the integrated television system;
if said access card is coupled to the integrated television system, processing a first password received from said access card to access programming from said **first and second programming providers**; and
if said access card is not coupled to the integrated television system, processing a second password to access programming from **one of the first and second programming providers**.
(emphasis added)

Like Claim 1, Applicants submit Knowles and Kim fail to teach or suggest processing any password that enables access to *multiple programming providers* – and clearly fails to teach processing first and second passwords, where the first password enables access to *multiple programming providers*, as recited by amended Claim 5. As discussed above with regard to Claim 1, the apparatus of

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Knowles merely operates with a single programming provider. That is, Knowles apparently stores passwords associated with different MPEG streams from a single programming provider at different memory locations in a single memory, but does not teach or suggest accessing program information from multiple programming providers (i.e. multiple broadcast sources) in the manner recited in present Claim 5.

In view of the foregoing, Applicants respectfully submit that Knowles and Kim, in any combination, fail to teach or suggest each of the recited steps of Claim 5, and hence, as a matter of law, fail to render the same unpatentably obvious. Reconsideration and removal of the rejection of Claim 5 is requested. Applicants also request reconsideration and removal of the rejections of Claims 6-9 and 11, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 5.

Schaffner is cited as teaching the use of a first antenna for receiving signals from a first source of programming and a second antenna for receiving signals from a second source of programming. Even if Schaffner teaches the alleged subject matter and the suggested combination of Schaffner, Knowles and Kim are proper, applicants submit that the suggested combination still fails to cure the deficiencies of Knowles and Kim as applied to claims 1 and 5 as discussed above. Thus, applicants submit that claims 10 and 11 are patentably distinguishable over the suggested combination of references.

New claims 12-17 similarly recite using "... the first password to access programming from the first programming provider, and ... the second password to access programming from both the first and second programming providers." Thus, applicants submit that new claims 12-17 are patentably distinguishable over the cited references for at least the same reason as those discussed above with respect to amended claim 1 and 5.

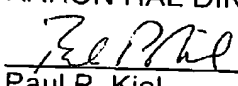
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CONCLUSION

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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